IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.544 OF 2007
IN
FIRST APPEAL (ST) NO.1044 OF 2007

M/s.Ajanta Enterprise (Registered) ...Applicant

Versus

Bombay Municipal Corporation ...Respondent

Shri G.S.Godbole i/by Shri A.V.Jain for the Applicant.
Shri J.J.Xavier for the Respondent.

CORAM : A. S. OKA, J.

DATE : JANUARY 23, 2007.

P.C.:

1. Rule. Advocate for the Respondent waives service. Taken up for hearing forthwith.

2. As First Appeal has been admitted for final hearing, suit structure will have to be protected. However, suitable conditions will have to be imposed while protecting the suit structure.

3. Hence, Application is disposed of by passing following order:

(i) There will be interim relief in terms of prayer clause (a) subject to condition that the

Applicants will file an undertaking in this court stating therein that the Applicants will not create any third party interests in respect of the suit structure and will not part with the possession thereof in favour of any third party without the permission of this court and will not carry out any additions or alterations in the suit structure without permission of the Respondent Corporation. If such undertaking is not filed within a period of three weeks from today, the Application will stand dismissed without further reference to the court.

JUDGE